AWARDED LANDS; WHEN MAY MORTGAGE OF AWARDED LANDS BE ALLOWED

- Mortgage of awarded lands even within the 10-year prohibitory period may be allowed on certain conditions even without a DAR clearance since ownership is not parted with.

- Items II.C.4 and V.3 of DAR Administrative Order No. 1, Series of 1989 **(Rules and Procedures Governing Land Transaction)** further provide:

"II. Rules on Validity of Land Transactions

x x x x x x x x x x x x x x x

C. The following are not prohibited transactions and may be registered by the Register of Deeds without prior clearance from DAR:

x x x x x x x x x x x x x x x

4. Deed of real estate mortgage executed by the original landowner or beneficiary."

V. Lands Subject to Mortgage or Encumbrance

The following lands may be subject matter of mortgage, lien or encumbrance to guarantee any loan obligation secured to develop or improve the same:

x x x x x x x x x x x x x x x

3. Land already awarded allocated to beneficiaries."

DAR Opinion No. 31, s. 2005
December 21, 2005

AWARDED LANDS; TRANSFERABILITY OF AWARDED LAND

- Transfers/dispositions of awarded lands under the given situation may be allowed as long as it falls under one of the exceptions to the non-transferability of awarded lands under Section 27 of R.A. No. 6657 and provided further that the transfer to other beneficiary is subject to the condition that the latter shall himself cultivate the land himself. Thus, the contemplated transfer may legally be undertaken.

DAR Opinion No. 30, s. 2005
December 08, 2005

AWARDED LANDS; TRANSFERABILITY OF LANDS WITHIN LANDED ESTATES AND RESSETLEMENT PROJECTS COVERED WITH CLOA

- A mere certification stating that the 10-year prohibitory period of disposition has already elapsed will not suffice as a requirement in the transfer/sale and registration of awarded lands. DAR Administrative Order No. 8, Series of 1995 is very specific in providing for the procedures and requirements in the transfer and registration of awarded lands, thus, said certification could not serve as a substitute in lieu of the DAR Clearance/Order to be issued by the Regional Director (RD) as contemplated under the provisions of DAR Administrative Order No. 8, Series of 1995.